GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal petition filed by Sri Perla Krishna Raghav S/o Raghavaiah, Occ: SGT, R/o Venkateshwarapalem (V), T.P.Gudur (M), SPSR Nellore District, against the proceedings Rc..No.C5(M)/1547/2013, dated 12.01.2014 of the District Collector, SPSR Nellore - under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/ 1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 12 **Dated: 16-02-2017**

Read the following:

1. Proceedings of the District Collector, SPSR Nellore District Rc.No.C5(M)/1547/2013, dated 12.01.2014.
2. Appeal Petition filed by Sri Perla Krishna Raghava S/o Raghavaiah, Occ: SGT, R/o Venkateshwarapalem (V), T.P.Gudur (M),, SPSR Nellore District, dt. 06.04.2014.
3. Govt. Memo No. 4553/CV.2/2014, dated 15.04.2014.
4. Order of the Hon'ble High Court of Andhra Pradesh, Hyderabad in W.P.No.11566/2014 dated 16.04.2014 filed by the Appellant.
5. From the District Collector, SPSR Nellore, Lr. No. Rc. C5(M) 1547/2013, dated 26.10.2014 & 27.06.2015.
6. Govt. Memo.No.4553/CV.2/2014, dated 30.04.2016.

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ORDER:

In the reference 1st read above, the District Collector, SPSR Nellore has issued orders canceling the ST –Yerukula Caste Certificate obtained from the then Tahsildar, Nellore in 1998 & 2002 by Sri Perla Krishna Raghava S/o Raghavaiah.

2. In the reference 2nd read above, Sri Perla Krishna Raghava S/o Raghavaiah has filed an Appeal Petition before the Government, against the said Proceedings of the District Collector, SPSR Nellore. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, SPSR Nellore in the reference 3rd read above.

3. Sri Perla Krishna Raghava S/o Raghavaiah has filed W.P. No. 11566/2014 before the Hon'ble High Court, against the proceedings Rc..No.C5(M)/1547/2013, dated 12.01.2014 of the District Collector, SPSR Nellore. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP on 16.04.2014 has directed the Government to hear and decide the appeal or application for stay on or before 15.06.2014 and the Hon'ble High Court has also issued stay orders on the proceedings of the District Collector, SPSR Nellore, dated 12.01.2014. But due to several administrative difficulties the matter could not be disposed before the said date.

4. In the reference 5th read above, the District Collector, SPSR Nellore has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Perla Krishna Raghava S/o Raghavaiah.

5. The said Appeal Petition has been posted for hearing on 14.05.2016 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government . But, the appellant and Counsel for the appellant have not attended for the said hearing.

[P.T.O]

6. After hearing, on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, SPSR Nellore and proceedings of the District Collector, SPSR Nellore, dated 12.01.2014, the Appellate Authority has observed as follows:

i. The Appellant in his grounds has stated that he belongs to Yerukala (ST) Community and also his Gothram is Kavadi and his father and mother belongs to Yerukala Community.

ii. The District Level Scrutiny Committee was observed that the Appellant is not following the traditional customs of Yerukala (ST) community. He had married Modaliar (OC) community women. He did not furnished the details of his maternal and paternal side relatives in order to substantiate his claim as belonging to Yerukala ST Community and he tried to hide the facts of such details of his blood relatives/wife/children intentionally. If he really belongs to Yerukala (ST) community, he ought to have produced the details of his blood relatives/wife/children etc. The individual is not in the fold of Yerukala-ST community and he was not accepted by the tribal society. With a malafied intention, his family members have obtained certificates fraudulently that they belong to Yerukala-ST caste. Thus on the strength of the Caste Certificate, which is highly objectionable that he has been continuing to claim his ST status. All the other documents that he has produced in support of his claim for ST caste are not reliable. The evidences he produced to prove his caste status are the School Certificates which are issued without due enquiry.

iii. The DLSC was also observed that the appellant was given an ample opportunity to produce any substantive evidences in support of his caste claim, but he utterly failed to do so. The appellant simply stated that he has no parents, no relatives either paternal or maternal and that he got married a woman belong to Modaliar (OC). Hence, it is construed that the appellnat has stated a concocted or fictitious story with regard to the details of his caste status on perusing all the material available on record and taking into consideration of the recommendations made by the Committee, the then District Collector has issued orders canceling the Scheduled Tribe Community Certificate of the individual by following due procedure laid down in the Act.

iv. Under section 6(3) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

v. The Appellate Authority is observed that the Appellant has not produced any relevant documents/material in support of his ST-Yerukula community claim before the Appellate Authority except school record at the time of filing the appeal petition , which is generated based on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of person. Further there is no evidence that the Appellant belongs to ST-Yerukula Community and the appellant failed to produce any evidence even though a lot of opportunity was given to him by the Government. Further it is observed that having gone through the entire record the Appellate Authority is opined that the case certificate issued on 20.03.1991 by MRO, Nellore was fraudulently obtained by him and all other (3) caste certificates are obtained from the MRO , Nellore from time to time based on the original certificate dated 20.03.1991. The Government on having meticulously gone through the record opined that the appellant got the certificates fraudulently and he doesn't have any basis to say

[Contd…]

that he belongs to ST-Yerukula community as he originally does not belong to that caste but he obtained caste certificates fraudulently by mis-presenting the real facts. It is a fit case to prosecute the appellant for his fraudulent action as recommended by the DLSC which also concluded the said certificates of the appellant are out and out false. No sane person on the face of the earth does not know the names and caste of his parents. This itself is a good ground to cancel the said caste certificate and order for criminal prosecution of the appellant. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, SPSR Nellore.

7. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the Appeal Petition filed by Sri Perla Krishna Raghava S/o Raghavaiah does not deserve any interference and hence, the Proceedings of the District Collector, SPSR Nellore issued vide (Rc..No.C5(M)/1547/2013, dated 12.01.2014, is hereby upheld and the Appeal Petition filed by Sri Perla Krishna Raghava S/o Raghavaiah is hereby dismissed.

8. The District Collector, SPSR Nellore is directed to take the necessary consequential action in the matter.

9. The records (containing Rc..No.C5(M)/1547/2013, dated 12.01.2014, pages: CF-1-32) received from the District Collector, SPSR Nellore through 5th read above, are returned herewith in original to the District Collector, SPSR Nellore and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, SPSR Nellore
(with original records) (BY RPAD)

Sri Perla Krishna Raghava S/o Raghavaiah,
Occ: SGT, R/o Venkateshwarapalem (V),
T.P.Gudur (M),SPSR Nellore District.

Sri P.Mehar Srinivasa Rao, Advocate,
R/o Flat No.37(NP), Sai Krupa,
Opp: Vijaya Gardens Colony,
Bandlaguda, Nagole, Hyderabad-68.

Copy to :
The Director, TCR& TI, AP, Hyderabad.
The OSD to M(SWE & TWE).
The PS to Principal Secretary.(TW)

// FORWARDED:: BY ORDER //

SECTON OFFICER